

No. 15-60474

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In the United States Court of Appeals

For the Fifth Circuit

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Dresser-Rand Company,

Petitioner Cross-Respondent

v.

National Labor Relations Board,

Respondent Cross-Petitioner

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Appeal from the National Labor Relations Board  
NLRB Case Nos. 03-CA-026543, 03-CA-026595,  
03-CA-026711, and 03-CA-026943

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MOTION TO INTERVENE

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Thomas M. Murray, Esq.  
KENNEDY JENNIK & MURRAY, P.C.  
Attorney for Intervenor, the Industrial Division of the  
Communications Workers of America, Local 313  
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New York, New York 10003  
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The Industrial Division of the Communications Workers of America, Local 313 (hereinafter “Local 313”) who, pursuant to Circuit Rule 15.5 and *Auto Workers Local 283 v. Scofield*, 382 U.S. 205 (1965), moves to intervene in support of Respondent Cross-Petitioner National Labor Relations Board.

Local 313 was the charging party in the underlying unfair labor practice proceedings in NLRB Case Nos. 03-CA-026543, 03-CA-026595, 03-CA-026711, and 03-CA-026943. The outcome of this case, whether or not enforcement is granted to the National Labor Relations Board, would ultimately affect the interests of Local 313 and its members.

Local 313 Counsel has contacted Counsel for Respondent Cross-Petitioner National Labor Relations Board and Counsel for Petitioner Cross-Respondent Dresser-Rand, and they do not oppose this motion.

Dated: July 23, 2015

/s/ Thomas M. Murray  
Thomas M. Murray, Esq.  
Attorney for Intervenor, the Industrial  
Division of the Communications Workers  
of America, Local 313  
Kennedy, Jennik & Murray, P.C.  
113 University Place, 7th floor  
New York, NY 10003

### **CERTIFICATE OF CONFERENCE**

The undersigned Counsel for Intervenor conferred with Counsel for Petitioner Cross-Respondent on July 22, 2015 regarding this Motion. Counsel for Petitioner Cross-Respondent stated that he does not oppose the Motion. The undersigned Counsel for Intervenor conferred with Counsel for Respondent Cross-Petitioner on July 22, 2015, regarding this Motion. Counsel for Respondent Cross-Petitioner stated that she does not oppose the Motion.

**CERTIFICATE OF INTERESTED PERSONS PURSUANT TO FIFTH  
CIRCUIT RULES 27.4, 26.1.1, and 28.2.1**

1. No. 15-60474; Dresser-Rand Company v. National Labor Relations Board.
2. The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Dated: July 23, 2015.

/s/ Thomas M. Murray

Thomas M. Murray, Esq.  
Attorney for Intervenor

**Petitioner Cross-Respondent:**

Dresser-Rand Company  
Dresser-Rand Group Inc.  
Dresser-Rand LLC

Attorney for Petitioner Cross-  
Respondent  
Arthur T. Carter  
A. John Harper III  
Jeremy D. Kernodle  
HAYNES AND BOONE, LLP

**Respondent Cross-Petitioner:**

NATIONAL LABOR RELATIONS BOARD

Linda Dreeben

Julie Broido

Greg Lauro

Rhonda P. Ley

**The Industrial Division of the Communications**

**Workers of America, Local 313:**

Terry Schoonover, President

### **CERTIFICATE OF SERVICE**

The undersigned certifies that today, July 23, 2015, a copy of the attached Motion to Intervene was electronically transmitted to the United States Court of Appeals for the Fifth Circuit using the Court's ECF filing system and was served on all counsel via electronic notice pursuant to the Court's ECF filing system, except Julie Broido and Greg Lauro, who are not yet registered in the ECF system. I certify that I served a copy of the attached Motion to Intervene on them via email after obtaining written consent to do so.

/s/ Thomas M. Murray  
Thomas M. Murray